

AMENDED IN SENATE MARCH 14, 2011

**SENATE BILL**

**No. 235**

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**Introduced by Senator Negrete McLeod**

February 9, 2011

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~~An act to add Division 4 (commencing with Section 61500) to Title 6 of the Government Code, relating to districts. An act to add Section 74209 to the Water Code, relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 235, as amended, Negrete McLeod. ~~Water and flood districts: reorganization of district governing board. Water conservation districts: reduction in number of directors.~~

*The Water Conservation District Law of 1931 generally governs the formation of water conservation districts and specifies the powers and purposes of those districts.*

*This bill would authorize a water conservation district, except districts within the County of Ventura, whose board of directors consists of 7 directors, to reduce the number of directors to 5, consistent with specified requirements.*

~~Existing law provides for the formation of various special districts to perform flood control, conservation, and water supply functions. With respect to certain districts, existing law prescribes the number of members on the governing board of the district and provides for the election of those members by the voters of the district.~~

~~This bill would authorize the governing board of a district, as defined, to reorganize the district to reduce the total membership of the governing board by a resolution adopted by a majority vote of the board. The bill would prescribe procedures for the reorganization of the governing board of the district, including procedures for the reapportionment of~~

~~division boundaries within the district in those districts that elect directors based on their residence within a division of the district, and procedures for the appointment of members of the governing board to the remaining seats on a recognized board. The bill would require a district that reorganizes its governing board pursuant to these provisions to notify specified local agencies.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 74209 is added to the Water Code, to  
2     read:  
3     74209. (a) A district whose board consists of seven directors  
4     may reduce the number of directors to five pursuant to this section.  
5     A reduction in the number of directors shall not be made within  
6     180 days preceding the election of a director.  
7     (b) In order to reduce the number of directors pursuant to this  
8     section, the board shall adopt, by a recorded vote of a majority of  
9     the total membership of the board, a resolution proposing to reduce  
10    the number of directors from seven to five. The resolution shall  
11    contain a map and description of the boundaries for the five  
12    divisions proposed to be established.  
13    (c) The secretary of the district shall set a date for a public  
14    hearing on the proposal to reduce the number of directors, which  
15    shall be not less than 30 days and not more than 60 days after the  
16    date on which the board adopted the resolution described in  
17    subdivision (b). The secretary shall give notice of the hearing,  
18    which shall include a description of the proposal and shall contain  
19    a map and general description of the proposed boundaries of the  
20    five divisions. The secretary shall give notice of the hearing by  
21    publishing a notice pursuant to Section 6063 of the Government  
22    Code in at least one newspaper of general circulation within the  
23    jurisdiction of the district at least 10 days before the hearing. In  
24    addition, the secretary shall mail the notice to a person who has  
25    filed a written request for notice with the secretary at least 10 days  
26    before the hearing.  
27    (d) At the hearing, the board shall receive and consider any  
28    written or oral comments regarding the proposed reduction in the  
29    number of directors. After receiving and considering those

1 *comments, the board, by a recorded vote of a majority of the total*  
2 *membership of the board, shall do either of the following:*

3 *(1) Disapprove the proposal.*

4 *(2) Adopt a resolution that orders the reduction in the number*  
5 *of members of the board.*

6 *(e) The adoption of a resolution that orders a reduction in the*  
7 *number of members of the board pursuant to this section is a*  
8 *legislative act that is subject to referendum pursuant to Article 2*  
9 *(commencing with Section 9340) of Chapter 4 of Division 9 of the*  
10 *Elections Code.*

11 *(f) A reduction in the number of directors and a change in*  
12 *division boundaries pursuant to this section shall not affect the*  
13 *term of office of any director. A director of a division whose*  
14 *boundaries have been changed shall continue to be the director*  
15 *of the division bearing the number of his or her division until the*  
16 *office becomes vacant by means of term expiration or otherwise,*  
17 *whether or not the director is a resident within the boundaries of*  
18 *the division as changed. The successor to the office of a division*  
19 *whose boundaries have been changed shall be a resident and voter*  
20 *of that division.*

21 *(g) This section does not apply to districts within the County of*  
22 *Ventura, which are subject to the provisions of Chapter 4*  
23 *(commencing with Section 74450) of Part 4.*

24 ~~SECTION 1. Division 4 (commencing with Section 61500) is~~  
25 ~~added to Title 6 of the Government Code, to read:~~

26  
27 ~~DIVISION 4. REORGANIZATION OF DISTRICT~~  
28 ~~GOVERNING BOARD~~

29  
30 ~~CHAPTER 1. GENERAL PROVISIONS~~

31  
32 ~~61500. The following definitions shall govern the construction~~  
33 ~~of this division:~~

34 ~~(a) "Affected city" means any city that contains, or its sphere~~  
35 ~~of influence contains, all or any part of a district proposing to~~  
36 ~~reorganize pursuant to this division.~~

37 ~~(b) "Affected county" means each county that contains all or~~  
38 ~~any part of a district proposing to reorganize pursuant to this~~  
39 ~~division.~~

1 (e) “Board of directors” means the legislative body or governing  
2 board of a district.

3 (d) “By divisions” means the election of a director by only the  
4 voters within the division of the district that the director represents.

5 (e) “Director” means a member of the legislative body or  
6 governing board of a district.

7 (f) (1) “District” means any of the following agencies, formed  
8 pursuant to general law or special act, for which the board of  
9 directors is elected by the voters of the district:

10 (A) A flood control district.

11 (B) A flood control and flood water conservation district.

12 (C) A flood control and water conservation district.

13 (D) A conservation district.

14 (E) A water conservation district.

15 (F) A water replenishment district.

16 (G) A water agency.

17 (H) A California water storage district.

18 (I) A county water authority or a water authority.

19 (J) A county water district.

20 (K) A municipal water district.

21 (L) A California water district.

22 (2) “District” does not include any of the following:

23 (A) Any district listed in paragraph (1), all or part of the board  
24 of directors of which is composed of local public officers serving  
25 as ex officio directors, or individuals appointed by a local public  
26 agency or a local public officer.

27 (B) A metropolitan water district.

28 (g) “From divisions” means the election of a director who is a  
29 resident of the division that he or she represents but who is elected  
30 by the voters of the entire district.

31 (h) “Principal act” means the general law or special act under  
32 which the district is formed.

33 (i) “Reorganize” and “reorganization” means the process of  
34 reducing the total membership of the board of directors, and  
35 includes, in the case of directors elected by division, the  
36 reapportionment of division boundaries within the district for that  
37 purpose.

38 61502. Notwithstanding any other law, including the principal  
39 act of the district, a district may use the applicable procedures set  
40 forth in this division to reorganize the district’s board of directors.

1        ~~CHAPTER 2. REORGANIZATION OF BOARD OF DIRECTORS~~

2  
3        ~~61510. — (a) Notwithstanding any other law, the board of~~  
4 ~~directors of a district that is not divided into divisions but instead~~  
5 ~~provides for the election of each of the directors by the voters of~~  
6 ~~the entire district, may reduce the total membership of the board~~  
7 ~~of directors to a number of members that is less than the number~~  
8 ~~established pursuant to the principal act. A reorganization pursuant~~  
9 ~~to this section shall comply with the following procedures in the~~  
10 ~~following order:~~

11        ~~(1) The board of directors, by a majority vote of its membership,~~  
12 ~~shall adopt a resolution reducing the number of directors to serve~~  
13 ~~on the board of directors to three, five, seven, or any greater odd~~  
14 ~~number that is less than the existing number of directors.~~

15        ~~(2) As soon as practicable after the effective date of the~~  
16 ~~resolution adopted pursuant to paragraph (1), the directors shall~~  
17 ~~classify themselves by lot to determine which of the existing~~  
18 ~~directors shall comprise the remaining membership of the board.~~  
19 ~~The board of directors, by resolution, shall determine the unexpired~~  
20 ~~term of office of each of the remaining directors in such a manner~~  
21 ~~as to keep as nearly equal as practicable the number of directors~~  
22 ~~to be elected at each subsequent district election, but that unexpired~~  
23 ~~term shall not be greater than the term of office prescribed pursuant~~  
24 ~~to the principal act.~~

25        ~~(3) The existing board of directors, by resolution, shall appoint~~  
26 ~~the remaining members to the remainder of their respective~~  
27 ~~unexpired terms, as determined pursuant to paragraph (2). The~~  
28 ~~term of office of a director who is not selected by lot to remain on~~  
29 ~~the board shall expire upon the appointment of the remaining~~  
30 ~~members of the board.~~

31        ~~(b) The election of successors to the directors appointed pursuant~~  
32 ~~to paragraph (2) of subdivision (a) shall be performed pursuant to~~  
33 ~~the principal act, except that the total membership of the board of~~  
34 ~~directors shall remain as reorganized pursuant to subdivision (a).~~

35        ~~(c) Upon adoption of a resolution pursuant to paragraph (1) of~~  
36 ~~subdivision (a), the district shall notify the city council of every~~  
37 ~~affected city, and the board of supervisors and county elections~~  
38 ~~official of every affected county, of the resolution. Upon the~~  
39 ~~appointment of the remaining membership of the board of directors~~  
40 ~~pursuant to paragraph (3) of subdivision (a), the board of directors~~

1 shall notify the city council of every affected city, and the board  
2 of supervisors and county elections official of every affected  
3 county, of the new membership of the board.

4 61520. (a) Notwithstanding any other law, the board of  
5 directors of a district that is divided into divisions and that provides  
6 for the election of directors either by divisions or from divisions,  
7 may reduce the total membership of the district board of directors  
8 to a number of members that is less than the number established  
9 pursuant to the principal act. A reorganization pursuant to this  
10 section shall comply with the following procedures in the following  
11 order:

12 (1) The board of directors, by a majority vote of the members  
13 of the board, shall adopt a resolution reducing the number of  
14 divisions within the district to three, five, seven, or any greater  
15 odd number that is less than the existing number of divisions.  
16 Notwithstanding any other law, the resolution shall divide the  
17 district into the new number of divisions and reapportion those  
18 divisions in the same proportion as required pursuant the principal  
19 act or the measure establishing the divisions, whichever is  
20 applicable.

21 (2) As soon as practicable after the effective date of the  
22 resolution adopted pursuant to paragraph (1), the existing directors  
23 residing within each new district established pursuant to paragraph  
24 (1) shall classify themselves by lot to determine which of the  
25 directors residing within each new district shall comprise the  
26 remaining membership of the board. If there is any new district in  
27 which no incumbent director resides, any directors representing a  
28 district that, prior to reapportionment pursuant to paragraph (1),  
29 included any area within the new district, shall classify themselves  
30 by lot to determine the representative of that district. The board  
31 of directors, by resolution, shall determine the unexpired term of  
32 office of each of the remaining directors in such a manner as to  
33 keep as nearly equal as practicable the number of directors to be  
34 elected at each subsequent district election, but that unexpired term  
35 shall not be greater than the term of office prescribed pursuant to  
36 the principal act.

37 (3) The existing board of directors, by resolution, shall appoint  
38 the remaining members of the board of directors to serve the  
39 remainder of their respective unexpired terms of office, as  
40 determined pursuant to paragraph (2). The term of office of a

1 director who is not selected by lot to remain on the board shall  
2 expire upon the appointment of the remaining members of the  
3 board.

4 (b) The election of successors to the directors appointed pursuant  
5 to paragraph (3) of subdivision (a) shall be conducted pursuant to  
6 the principal act, except that the total membership of the board of  
7 directors and the divisions of the district shall remain as  
8 reorganized pursuant to subdivision (a).

9 (c) Upon adoption of a resolution pursuant to paragraph (1) of  
10 subdivision (a), the district shall notify the city council of every  
11 affected city, and the board of supervisors and county elections  
12 official of every affected county, of the resolution. Upon the  
13 appointment of the remaining members of the board of directors  
14 pursuant to paragraph (3) of subdivision (a), the board of directors  
15 shall notify the city council of every affected city, and the board  
16 of supervisors and county elections official of every affected  
17 county, of the new membership of the board.

18 61530. Notwithstanding any other law, for a district that is  
19 reorganized pursuant to this division, a quorum for the transaction  
20 of the business of the reorganized district shall be equal to a number  
21 of directors that is in as nearly the same proportion as possible to  
22 the quorum set forth in the principal act.

23 61535. A resolution adopted pursuant to this division is subject  
24 to referendum in accordance with the methods provided by the  
25 Elections Code.